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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 LUBA GONZALEZ,

7 Plaintiff,

8 v.

9 TRANSUNION LLC,

10 Defendants.
11

Case No. 2:20-cv-02181-JCM-DJA

REPORT AND RECOMMENDATION

12 This matter is before the Court on Defendant Transunion LLC's Second Notice of
13 Noncompliance (ECF No. 22), filed on March 16, 2021. Defendant highlights that Plaintiff has
14 not filed a more definite statement or amended complaint and the March 15, 2021 deadline has
15 expired. On January 26, 2021, the Court granted Defendant's Motion for a More Definite
16 Statement. (ECF No. 19). It found that Plaintiff's pro se complaint was not just lacking in some
17 detail that could be explored in discovery, but rather, it was so flawed that Defendant is unable to
18 determine what claim(s) Plaintiff is attempting to assert under the Fair Credit Reporting Act.

19 On February 23, 2021, the Court gave Plaintiff a second opportunity to comply or respond
20 as to whether she intends to proceed with this litigation. (ECF No. 21). To date, Plaintiff has
21 failed to respond to the Court's Orders (ECF Nos. 19 and 21), has not filed a more definite
22 statement or amended complaint, and has not indicated that she intends to continue to prosecute
23 this action. Moreover, she was warned that failure to comply with the Court's Order would result
24 in a recommendation that this action be dismissed. As such, the Court concludes that Plaintiff has
25 abandoned this case and it should be dismissed.

26 **RECOMMENDATION**

27 **IT IS THEREFORE RECOMMENDED** that this action be dismissed without
28 prejudice.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: March 25, 2021.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE